

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M No.29018 of 2020

Rahul
... Petitioner
Versus
State of Haryana
... Respondent

2. CRM-M No.16111 of 2021

Vicky Kumar
... Petitioner
Versus
State of Haryana
... Respondent

3. CRM-M No.23890 of 2021

Vikash @ Vikas
... Petitioner
Versus
State of Haryana
... Respondent

4. CRR No.588 of 2021 (O&M)

Mohit @ Dama
... Petitioner
Versus
State of Haryana
... Respondent

5. CRR No. 8 of 2021 (O&M)

Neeraj
... Petitioner
Versus
State of Haryana
... Respondent

6. CRM-M No.44969 of 2021 (O&M)

Rohit
... Petitioner
Versus
State of Haryana
... Respondent

7. CRM-M No.44416 of 2021

Parveen @ Monu

... Petitioner

Versus

State of Haryana

... Respondent

8. CRM-M No.2762 of 2022

Rahul @ Tau

... Petitioner

Versus

State of Haryana

... Respondent

Date of decision: 22nd May, 2023

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ashish Aggarwal, Senior Advocate with
Ms. Nidhi, Advocate

Mr. B.S. Rana, Senior Advocate with
Mr. Nayandeep Rana & Mr. Navdeep Rana

Mr. Rakesh K. Lathwal, Mr. Parveen Sharma,
Mr. Ashit Malik, Mr. Ashish Rana,
Advocates for the petitioners.

Mr. Chetan Sharma, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

All the above detailed petitions are being taken up together
for disposal by way of this common order.

The petitioners are seeking the concession of bail under
Section 439 Cr.P.C. in case FIR No.585 dated 09.12.2019 under
Sections 148, 149, 302 IPC registered at Police Station Sadar Sonipat,
District Sonipat.

Vide separate orders of different dates, a Coordinate Bench of this Court had granted the concession of interim bail to the petitioners.

Learned counsel for the petitioners inter alia submit that false implication of the petitioners in the crime in question is evident from the fact that when the complainant stepped into the witness box as PW-4, he failed to support the case of the prosecution and as a result of which he was declared hostile. While drawing the attention of this Court to the deposition of PW-4, learned counsel submit that the complainant (father of the deceased) categorically deposed that he came to know that his son had succumbed to some injury and he did not even by way of a whisper depose that his deceased son had told him that the accused/petitioners Rohit alias Ved, Neeraj, Vicky and Monu along with 6/7 unidentified persons had inflicted injuries to him as had been projected by the prosecution. Learned counsel further submit that since even the other material witness i.e. PW-3, uncle of the deceased, had failed to support the case of the prosecution during trial, the interim orders be made absolute, more so when the material witnesses stood examined and as many as 20 prosecution witnesses still remained to be examined.

Per contra, learned State counsel while opposing the prayer and submissions made by the learned counsel opposite, has not been able to controvert that both the material witnesses i.e. complainant as well as PW-3, uncle of the deceased, had failed to identify the accused

during trial and as a result of which they were declared hostile. He has also not been able to dispute that other than PW-3 Sanjay Kumar and PW-4 Krishan Chander, there was no other material witness left to be examined in the case in hand.

I have heard learned counsel for the parties and perused the relevant material on record.

As conceded by the learned State counsel, the petitioners, who were arrested in December 2019, except petitioner Rahul @ Tau, who was arrested on 04.08.2020, have not misused the concession of interim bail granted to them by a Coordinate Bench of this Court. As already noticed hereinabove, the trial would take considerable time to conclude as 20 prosecution witnesses remain to be examined. The material witnesses were declared hostile as they failed to support the case of the prosecution. In the facts and circumstances, as enumerated hereinabove, this Court, thus, deems it fit to extend the concession of bail to the petitioners. The petitions as such are allowed and the interim bail granted to the petitioners in all the present cases, is hereby made absolute. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 22, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No